

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JTM CONCEPTS, INC.,

Plaintiff,

v.

CRRC MA CORP.,

Defendant.

C.A. No.: _____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant CRRC MA CORP. (“CRRC”), with a full reservation of any and all rights, claims, and defenses of any nature whatsoever, files this Notice of Removal and hereby removes this action from the Superior Court of the Commonwealth of Massachusetts, Suffolk County (the “Superior Court”), to the United States District Court for the District of Massachusetts. A Civil Action Cover Sheet is attached hereto as Exhibit 1. In support of removal, CRRC respectfully states the following:

1. On or about May 1, 2020, plaintiff JTM Concepts, Inc. (“JTM”), filed a civil action in the Suffolk Superior Court entitled *JTM Concepts, Inc. v. CRRC MA Corp.*, C.A. No. 2084CV00947 (the “Action”). On or about May 1, 2020, JTM’s counsel provided a copy of the complaint to CRRC’s counsel and, on May 13, 2020, CRRC accepted service of the summons and complaint.

2. This Notice of Removal is timely because it is being filed within 30 days of CRRC’s receipt of the initial pleading setting forth the claim for relief upon which the Action is based, as required by 28 U.S.C. § 1446(b)(1).

3. Pursuant to 28 U.S.C. § 1332(a)(1), federal district courts “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between . . . citizens of different states.” As shown below, the requirements of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) are satisfied here.

4. Plaintiff JTM is an Illinois corporation with its principal place of business in Rock Island, Illinois. Ex. 2, Complaint, ¶ 2. Defendant CRRC is a Massachusetts corporation, *id.* at ¶ 3, with a principal place of business in Quincy, MA. Ex. 3, CRRC MA Corporation Entry in Corporations Database of the Secretary of the Commonwealth. Diversity therefore exists between plaintiff and defendant.

5. JTM’s complaint demands more than \$75,000 in damages as required by 28 U.S.C. § 1332(a). Ex. 2, Compl. ¶¶ 20-21 (claiming over \$2 million in lost revenues and \$457,398.13 in unpaid invoices).

6. Accordingly, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

7. Since service of the summons and complaint there have been no further proceedings in this Action.

8. No previous application has been made for the relief requested herein.

9. Removal to this Court is proper because it is “the district and division embracing the place where [the Action] is pending.” 28 U.S.C. § 1441(a). The Superior Court is within the United States District Court for the District of Massachusetts, Eastern Division. *See* Local Rule 40.1(C). Moreover, the contract governing the parties’ relationship and on which JTM’s claims are based includes a forum selection clause, which specifically identifies this Court as a forum in

which this Action can be litigated. Ex. 2, Compl. ¶ 10, Ex. A, Service Agreement at § 11.1.¹

Therefore, this action is properly removed to the District of Massachusetts pursuant to 28 U.S.C. § 101.

WHEREFORE, Defendant CRRC MA Corporation removes this action from the Superior Court to this Court pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

CRRC MA CORPORATION,

By its attorneys:

/s/ Adam R. Doherty

John F.X. Lawler (BBO # 545910)

jlawler@princelobel.com

Adam R. Doherty (BBO # 669499)

adoherty@princelobel.com

PRINCE LOBEL TYE LLP

One International Place, Suite 3700

Boston, MA 02110

T: 617-456-8000

F: 617-456-8100

Dated: May 29, 2020

¹ Paragraph 10 of the Complaint erroneously identifies the Service Agreement as Exhibit B. The Service Agreement is attached to the Complaint as Exhibit A.

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2020, I electronically filed the foregoing Notice of Removal with the Clerk of Court using the CM/ECF system, and I hereby certify that I have served the foregoing by U.S. Mail and electronic mail on the below-listed counsel who have not yet entered an appearance in this Court:

Lisa G. Arrowood, Esq.
larrowood@arrowoodllp.com
Edward Foye, Esq.
efoye@arrowoodllp.com
Arrowood, LLP
10 Post Office Square
7th Floor South
Boston, Massachusetts 02109

/s/ Adam R. Doherty
Adam R. Doherty